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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,271	10/15/2001	Richard L. Gobbi	81032-0101	1147
24633	7590	06/15/2005	EXAMINER	
HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004			NGUYEN, HAO X	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,271	GOBBI ET AL.	
	Examiner	Art Unit	
	Hao X. Nguyen	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Drawings***

The drawing is objected to because Figure 1 includes an error; the box labeled "Terminal 1021 " should be labeled Terminal 104 as mentioned in the specification (page 8). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what “a next hop server” means; i.e. next hop from what.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States

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and was published under Article 21(2) of such treaty in the English language.

Claims 1,2 and 5-10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Gelman et al. (US Pat. No. 6,415,329).

Claim 1: Referring to Figure 1, Gelman discloses a source node 10 (user terminal) that generates and transmits TCP/IP packets (generating and processing user data in a connectionless format). Satellite 14 (relay node) is in communication with the user terminal (communicatively connected to the user terminal) and supports a non-TCP protocol (supporting a connection-oriented operation functionality). A source gateway 12 is in communication with the satellite 14 (a gateway communicatively connected to the relay node) to intercept the packet, to convert it to a second, non-TCP protocol, and to transmit it across the wireless link 22 in this second protocol (for managing the interface between the user terminal and the relay node). (Column 2, line 38-48; column 7, line 11-28).

Claim 2: Gelman discloses the data packages are sent using TCP/IP (Figure 2-7, 12; column 2; line 38-40, 50-52; column 4, line 61-63).

Claim 5: Referring to Figure 2, Gelman discloses a client gateway that performs the standard routing functions at the IP layer 56 of the protocol stack 52 (the gateway comprises a route server) (column 8, line 31-36).

Claim 6: Referring to Figure 2, Gelman discloses a client gateway that inherently includes a server since it performs the standard routing functions at

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the IP layer 56 of the protocol stack 52 (the gateway comprises a server). The client gateway is located at a next hop from the network node connected to it (column 8, line 31-36).

Claim 7: Referring to Figure 2, Gelman discloses a client gateway that performs the standard routing functions at the IP layer 56 of the protocol stack 52 (the gateway comprises a router) (column 8, line 31-36).

Claim 8: Referring to Figure 2, Gelman discloses a client gateway that performs the standard routing functions at the IP layer 56 of the protocol stack 52 (the system of claim 1 comprises a router) and that is connected to the end users 10 via terrestrial link 42 (connected to the user terminal) (column 8, line 31-36).

Claim 9: Referring to Figure 2, Gelman discloses a client gateway that performs the standard routing functions at the IP layer 56 of the protocol stack 52. Gelman's gateway inherently comprises a route server operatively connected to the router because a router must have a rout server to control it in order for it to operate (column 8, line 31-36).

Claim 10: Referring to Figures 9A and 9B, Gelman discloses that TCP packets travel from a particular subnet through specific gateways 204 (the system in claim 8, wherein the router is connected to a network) (column 15, line 27-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gelman et al. (US Pat. No. 6,415,329) in view of Gibbings (US Pat. No. 6,885,675).

Gelman discloses all the limitations of claim 1 but it does not disclose a relay node that comprises an ATM switch. Referring to Figure 1, Gibbings discloses that a high bandwidth path is provided via satellite (relay node) typically using asynchronous transfer mode (ATM) (comprises an ATM switch). One of ordinary skill in the art would have been motivated to include an ATM switch in Gelman's relay node, as suggested by Gibbings, because an ATM switch would provide high data bandwidth (column 1, line 11-13, 30-33).

Claims 4 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gelman et al. (US Pat. No. 6,415,329) in view of Gibbings (US Pat. No. 6,885,675), and further view of Goyal et al. (IEEE Communications Magazine, March 1999).

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Gelman and Gibbings disclose all the limitations of claims 1 and 3 but they do not disclose a relay node disposed in a geosynchronous satellite. Goyal discloses that a satellite (relay node) can be in geostationary Earth orbit (geosynchronous satellite). One of ordinary skill in the art would have been motivated to include a relay node in a geosynchronous satellite because it can effectively provide telecommunication for a specific area (page 56, first column).

Conclusion

The prior art made of record on the included PTO-892 and not relied upon is considered pertinent to applicant's disclosure.

Donahue et al. (US Pat. No. 6,411,616) discloses High Bandwidth Broadcast System Having Localized Multicast Access To Broadcast Content.

Donahue et al. (US Pat. No. 6,262,982) discloses High Bandwidth Broadcast System Having Localized Multicast Access To Broadcast Content.

Donahue et al. (US Pat. No. 6,266,339) discloses High Bandwidth Broadcast System Having Localized Multicast Access To Broadcast Content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao X. Nguyen whose telephone number is 571-272-8195. The examiner can normally be reached on M-F 8AM-5PM.

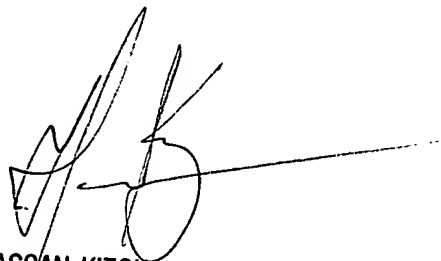
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-8195. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hao X. Nguyen
Examiner
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HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600